

Wetlands Bureau Decision Report

Decisions Taken
12/26/2011 to 01/01/2012

DISCLAIMER:

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

APPEAL:

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 30 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to George "Chip" Kimball, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

MAJOR IMPACT PROJECT

2011-00368 OVEN, DENI
WINDHAM Unnamed Pond

Requested Action:

Restore approximately 1,093 square feet (115 linear feet) along an unnamed intermittent stream, retain 4,256 square feet (448 linear feet) of rip rap stone for bank stabilization and two (2) culverts within the same stream for access and retain 370 linear feet of riprap along a previously permitted man-made pond for bank stabilization.

Conservation Commission/Staff Comments:

see findings.

Inspection Date: 07/08/2011 by Eben M Lewis

APPROVE AFTER THE FACT:

Restore approximately 1,093 square feet (115 linear feet) along an unnamed intermittent stream, retain 4,256 square feet (448 linear feet) of rip rap stone for bank stabilization and two (2) culverts within the same stream for access and retain 370 linear feet of riprap along a previously permitted man-made pond for bank stabilization.

With Conditions:

1. This After-the-fact approval is contingent upon the restoration of approximately 1,093 square feet (115 linear feet) along an unnamed intermittent stream.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

With Findings:

1. The Department of Environmental Services Wetlands Bureau ("DES") opened compliance file 2010-00541 on March 11, 2010 in response to complaints alleging unauthorized wetland impacts at 83 Kendall Pond Road, Windham Tax Map 1-C Lot 351 (the "Property").
2. On March 16, 2011, DES issued an alleged violator letter to the owner of the Property, Fredric Oven.
3. On March 22 and March 25, 2010, DES received a letter from Mr. Oven stating that "all dredging and filling on the property was done according to the advisement of the US Department of Agriculture Soil Conservation Service." The project was designed by Ed Herbert Engineering Assoc. and a Wetlands Permit was obtained from the NH Wetlands Board (Permit #O-197). Wetlands Permit O-197 issued August 19, 1985, extended on August 9, 1988, authorized the dredge of 21,000 sq ft for a pond in accordance with the plans. The plans approved depict the pond location and an intermittent stream on the property. Conditions associated with the permit include that "the side slopes be no flatter than 3:1, depth of the pond should be greater than 8 ft, vegetated spill way to be constructed to control outflow during high water. Area around the pond should be limed, fertilized and seeded. Disposal [of dredge spoils] to be outside of jurisdiction."
4. On May 20, 2010, DES personnel inspected the Property to confirm whether or not violations occurred on the Property. During the inspection, DES documented rip rap along the stream, two (2) culverts installed within the stream, and rip rap along the bank of the pond.
5. On August 23, 2010, DES issued Letter of Deficiency WET 10-032 (the "LoD") to the owner requesting, in summary, an After-the-Fact application ("AtF") and restoration plan within 30-days of the LoD.
6. On October 8, 2010, DES held a meeting to discuss jurisdictional issues with the owner and the agent, Jim Gove, Gove Environmental Services, Inc ("GES"). GES claimed that the pond and stream were not jurisdictional. DES did not agree as evidence in the file, previous survey plans, permits and supporting documentation suggested that the pond and stream are jurisdictional. DES asserted that the items requested in the LoD need to be submitted to DES. GES requested an additional 60 days to prepare the AtF and restoration plan. DES approved the extension request from the date of the meeting (December 7, 2010).
7. On December 3, 2010, DES received an email from GES requesting an additional extension of 3 weeks to submit the AtF and restoration plan. DES approved the request; therefore, the AtF and restoration plan must be submitted by December 31, 2010.

8. On December 20, 2010, DES received an email from GES requesting another extension to February 15, 2011 for the submittal of the requested items and DES approved.
9. On February 15, 2011, DES received the requested AtF and restoration plan.
10. On February 15, 2011, DES issued a Notice of Acceptance of Permit Application to applicant, Deni Oven, the wife of Fredric Oven.
11. On March 25, 2011, DES sent a Request for More Information ("RFMI") to the agent, GES, requesting additional items and clarification for the AtF and restoration plan. A response to the RFMI must be submitted to DES no later than May 24, 2011.
12. On May 20, 2011, at the request of the applicant DES approved an extension to July 30, 2011 for the items request in the RFMI.
13. On July 8, 2011, DES personnel inspected the property to determine the extent of riprap that could be removed from the stream and retain a portion of the riprap. Field inspection determined the existing rip rap is needed along portions of the stream for stabilizations purposes. Dense hydrophytic vegetation within the stream bed offers supplemental flood attenuation, nutrient uptake and sediment retention. DES finds the complete removal of all riprap, stone blocks and culverts will contribute to erosion and be deleterious to the aquatic animal species in the down stream pond ultimately flowing downstream to Beaver Brook.
14. On July 22, 2011, DES sent an email requesting additional information to the RFMI.
15. On August 31, 2011, DES received correspondence from the applicant satisfying the requests of the RFMI.
16. This is a major impact project per Administrative Rule Env-Wt 303.02(i) Projects that alter the course of or disturb 200 or more linear feet of an intermittent or perennial nontidal stream or river channel or its banks.
17. Due to residential development along Crestwood Road and Hillside Road, stormwater is concentrated to this particular intermittent stream and receives high volume water flow during storm conditions that have impacted the banks of the stream; therefore, the need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
18. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
19. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
20. In accordance with Env-Wt 404.04(a) the applicant has demonstrated that the anticipated turbulence, flows, restricted space, or similar factors render vegetative and diversion methods physically impractical.
21. The applicant requested a waiver of Env-Wt 404.04(e) as the length of requested riprap exceeds 100 linear feet.
22. DES hereby grants the waiver of Env-Wt 404.04(e) in accordance with Env-Wt 204.04(a) as granting the request will not result in an adverse effect to the environment or natural resources of the state, public health, or public safety; or an impact on abutting properties that is more significant than that which would result from complying with the rule. Furthermore, granting the request is consistent with the intent and purpose of the rule being waived. Strict compliance with the rule will provide no benefit to the public and will cause an economic hardship to the applicant.
23. The Windham Conservation Commission did not comment on the application.
24. No comments were received from Federal Agencies.
25. In accordance with RSA 482-A:8, DES finds that the requirements for a public hearing does not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the riverine resource, as identified under RSA 482-A:1.

2011-01959 MERRIMACK, TOWN OF
MERRIMACK Tributary To Baboosic Lake

Requested Action:

Impact a total of 10,520 sq. ft. (6,480 sf permanent & 4,040 sf temporary construction impacts) within the embankments & flow channel for work associated with the replacement of the bridge which carries Wire Road over Baboosic Brook.

Conservation Commission/Staff Comments:

No report or comments were received from the Merrimack Conservation Commission.

APPROVE PERMIT:

Impact a total of 10,520 sq. ft. (6,480 sf permanent & 4,040 sf temporary construction impacts) within the embankments & flow channel for work associated with the replacement of the bridge which carries Wire Road over Baboosic Brook.

With Conditions:

1. All work shall be in accordance with plans by Quantum Construction Consultants, LLC dated 7/29/11 (last revised 11/14/11), as received by the NH Department of Environmental Services (DES) on November 16, 2011.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau may require a new application and/or further permitting by the Bureau.
3. NH DES Wetlands Bureau Southeast Region staff and the Merrimack Conservation Commission shall be notified in writing prior to commencement of work and upon its completion.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Work shall be done during low flow.
6. Unconfined work within the river, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
7. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
8. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
9. Temporary cofferdams shall be entirely removed immediately following construction.
10. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
11. Faulty equipment shall be repaired prior to entering jurisdictional areas.
12. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
13. All refueling of equipment shall occur outside of surface waters or wetlands.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(i), disturbance of more than 200 feet, summed, of the banks and channel of a perennial stream.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant submitted a Request for Alternative Design per Env-Wt 904.09 for this Tier 3 stream crossing based on economic impact and a viable proposed alternative design.
6. The DES concurs that the alternative design proposed for a 65-foot span replacement structure will abate the roadway flooding currently experienced at this location during major storm events.
7. In addition to finding #6 above, the DES supports the less costly alternative which will provide an adequate upgrade of the existing stream crossing to provide a safe roadway, less prone to flooding.
8. Based on findings #6 & 7 above, the Request for Alternative Design is approved per Env-Wt 904.09.

2011-02591 LEBANON, CITY OF
LEBANON Stoney Brook

Requested Action:

Proposal to dredge and fill 5288 square feet (326 linear feet) of the bed and banks of Stoney Brook for stabilization of the stream and adjacent Stoney Brook Road embankment. The proposed work is a result of damage created from Tropical Storm Irene.

APPROVE PERMIT:

Dredge and fill 5288 square feet (326 linear feet) of the bed and banks of Stoney Brook for stabilization of the stream and adjacent Stoney Brook Road embankment. The proposed work is a result of damage created from Tropical Storm Irene.

With Conditions:

1. All work shall be in accordance with plans by Pathways Consulting, LLC entitled: Bank Stabilization Plan for City of Lebanon-22 Stoney Brook Road (Sheets 1-2 of 2) dated October 28, 2011 (revision 11/18/2011), as received by DES on December 16, 2011.
2. The Town shall obtain temporary construction easements or written agreements from affected landowners with work in jurisdiction on their property or within 20 feet of their property. Copies shall be supplied to DES Wetlands Bureau File No. 2011-02591 prior to construction.
3. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans (if different than approved plans). Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
4. All equipment shall work from adjacent banks or uplands and shall not enter flowing water and work shall be done during low flow (unless as approved through condition #3).
5. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the areas are constructed in accordance with the plan.
6. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
7. The Permittee shall monitor the weather and will not commence work within flowing water, including the installation of cofferdams, when rain is in the forecast.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
10. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
11. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters.
12. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
13. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
15. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
16. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
17. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
18. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
19. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
20. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(i) Projects that alter the course of or disturb 200 or more linear feet of an intermittent or perennial nontidal stream or river channel or its banks.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The work is needed to address safety concerns and damages resulting from Tropical Storm Irene.
6. The Conservation Commission recommended approval of the project.

7. This project does not require compensatory mitigation in accordance with Administrative Rule Env-Wt 302.03(c)(2).
8. DES has not received any comments in opposition to the project.
9. Due to the urgency of the project approval it has been conditioned on receipt of landowner permission or construction easements by the department prior to the start of construction.
10. In accordance with RSA 428-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the riverine resource, as identified under RSA 482-A:1.

2011-02593 LEBANON, CITY OF
LEBANON Great Brook

Requested Action:

Proposal dredge and fill 2,630 square feet (110 linear feet) of the bed and banks of Great Brook to stabilize a failing bank.

APPROVE PERMIT:

Proposal dredge and fill 2,630 square feet (110 linear feet) of the bed and banks of Great Brook to stabilize a failing bank.

With Conditions:

1. All work shall be in accordance with plans by Pathways Consulting, LLC entitled: Bank Stabilization Plan for City of Lebanon-Storrs Hill Ski Lodge (Sheets 1-2 of 2) dated October 28, 2011 (revision 11/18/2011), as received by DES on December 16, 2011.
2. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans (if work is to be conducted in flowing water or during high flows). Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
3. All equipment shall work from adjacent banks or uplands and shall not enter flowing water and work shall be done during low flow (unless as approved through condition #2).
4. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the areas are constructed in accordance with the plan.
5. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
6. The Permittee shall monitor the weather and will not commence work within flowing water, including the installation of cofferdams, when rain is in the forecast.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
9. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
10. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters.
11. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
12. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
14. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
15. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
16. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.

17. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
18. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
19. All activities shall be in accordance with the Shoreland Water Quality Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.
20. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(l) Projects which, when taken in the aggregate with previous work on the property within the last 5 years, would be considered major.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The work is needed to address damages resulting from Tropical Storm Irene.
6. The Conservation Commission recommended approval of the project.
7. The NHFG Nongame and Endangered Wildlife Program commented that although there was a NHB record present in the vicinity, they do not expect that it will be impacted by the proposed project.
8. This project does not require compensatory mitigation in accordance with Administrative Rule Env-Wt 302.03(c)(2).
9. DES has not received any comments in opposition to the project.
10. In accordance with RSA 428-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the riverine resource, as identified under RSA 482-A:1.

2011-03076 WOLFEBORO CORINTHIAN YACHT CLUB
WOLFEBORO Lake Winnepesaukee

Requested Action:

Reconfigure an existing major docking facility by replacing an existing 14 ft x 160 ft 6 full crib supported dock with a 4 ft x 57 ft 8 in piling "T" section with a 12 ft x 160 ft 6 in dock supported by 5 10 ft x 16 ft cribs and one 10 ft x 24 ft crib with a 4 ft x 60 ft piling supported "T" section, and nine 2 ft x 24 ft finger piers with 10 tie off piles. Replace an existing 9 ft 9 in x 153 ft dock supported by five 8 ft x 14 ft cribs with a 13 ft 7 in x 131 ft 6 in "T" section, six 1 ft 9 in x 20 ft 2 in finger piers, and one 2 ft 10 in x 23 ft 6 in finger pier with a 9 ft 9 in x 153 ft dock supported by five 8 ft x 14 ft cribs with a 13 ft 7 in x 131 ft 6 in "T" section, two 1 ft 9 in x 20 ft 2 in finger piers, four 2 ft x 20 ft 2 in finger piers, and one 2 ft 10 in x 23 ft 6 in finger pier. Remove a 5 ft 10 in x 20 ft piling pier and construct a 3 ft x 20 ft piling pier and a 3 ft x 22 ft piling pier. Replace a 5 ft 10 in x 21 ft 6 in pier and a 9 ft 10 in x 35 ft 10 in pier with a 3 ft x 30 ft pier and a 6 ft x 32 ft pier on either side of an existing 19 ft x 27 ft boathouse on an average of 283 ft of shoreline frontage on Lake Winnepesaukee, in Wolfeboro.

Conservation Commission/Staff Comments:

No comments from Con Com by Dec 23, 2011

APPROVE PERMIT:

Reconfigure an existing major docking facility by replacing an existing 14 ft x 160 ft 6 full crib supported dock with a 4 ft x 57 ft 8 in piling "T" section with a 12 ft x 160 ft 6 in dock supported by 5 10 ft x 16 ft cribs and one 10 ft x 24 ft crib with a 4 ft x 60 ft piling supported "T" section, and nine 2 ft x 24 ft finger piers with 10 tie off piles. Replace an existing 9 ft 9 in x 153 ft dock supported by five 8 ft x 14 ft cribs with a 13 ft 7 in x 131 ft 6 in "T" section, six 1 ft 9 in x 20 ft 2 in finger piers, and one 2 ft 10 in x 23 ft 6 in finger pier with a 9 ft 9 in x 153 ft dock supported by five 8 ft x 14 ft cribs with a 13 ft 7 in x 131 ft 6 in "T" section, two 1 ft 9 in x 20 ft 2 in finger piers, four 2 ft x 20 ft 2 in finger piers, and one 2 ft 10 in x 23 ft 6 in finger pier. Remove a 5 ft 10 in x 20 ft piling pier and construct a 3 ft x 20 ft piling pier and a 3 ft x 22 ft piling pier. Replace a 5 ft 10 in x 21 ft 6 in pier and a 9 ft 10 in x

35 ft 10 in pier with a 3 ft x 30 ft pier and a 6 ft x 32 ft pier on either side of an existing 19 ft x 27 ft boathouse on an average of 283 ft of shoreline frontage on Lake Winnepesaukee, in Wolfeboro.

With Conditions:

1. All work shall be in accordance with plans by Beckwith Builders dated December 6, 2011, as received by the NH Department of Environmental Services (DES) on December 7, 2011.
2. This permit shall not be effective until it has been recorded with the County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
3. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
4. Repairs to these structures may be conducted, as necessary, throughout the duration of this permit provided that the permittee notifies the Wetlands Bureau and Conservation Commission, in writing, of the proposed start and completion date prior to performing any repair.
5. Repairs shall maintain existing size, location and configuration.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
7. This permit does not allow for maintenance dredging.
8. The minimum clear spacing between piles shall be 12 feet.
9. All activities shall be in accordance with the Shoreland Water Quality Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This project is classified as a major project per Rule Env-Wt 303.02(d), modification of a major docking facility.
2. The applicant has an average of 283 feet of frontage along Lake Winnepesaukee.
3. The modification to the docking facility will not increase the number of slips, as defined per RSA 482-A:2, VIII, provided on the frontage.
4. The project is a reconfiguration of an existing major docking facility resulting in a reduction in construction surface area over the water and fewer boat slips.
5. Public hearing is waived based on field inspection, by NH DES staff, with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.

-Send to Governor and Executive Council-

2011-03145 LEBANON, CITY OF
LEBANON Tributary To Mascoma River

Requested Action:

Proposal to dredge and fill 1,739 square feet (234 linear feet) of the bed and banks of Great Brook for the stabilization and repair of the existing ski jump bridge.

APPROVE PERMIT:

Dredge and fill 1,739 square feet (234 linear feet) of the bed and banks of Great Brook for the stabilization and repair of the existing ski jump bridge.

With Conditions:

1. All work shall be in accordance with plans by Pathways Consulting, LLC entitled: Bank Stabilization Plan for City of

Lebanon-Storrs Hill Ski Jump (Sheets 1-2 of 2) dated October 28, 2011 (revision 11/18/2011), as received by DES on December 16, 2011.

2. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans (if work is to be conducted in flowing water or during high flows). Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
3. All equipment shall work from adjacent banks or uplands and shall not enter flowing water and work shall be done during low flow (unless as approved through condition #2).
4. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the areas are constructed in accordance with the plan.
5. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
6. The Permittee shall monitor the weather and will not commence work within flowing water, including the installation of cofferdams, when rain is in the forecast.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
9. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
10. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters.
11. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
12. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
14. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
15. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
16. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
17. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
18. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
19. All activities shall be in accordance with the Shoreland Water Quality Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.
20. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(i) Projects that alter the course of or disturb 200 or more linear feet of an intermittent or perennial nontidal stream or river channel or its banks.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The work is needed to address damages resulting from Tropical Storm Irene.
6. The Conservation Commission recommended approval of the project.
7. The NHFG Nongame and Endangered Wildlife Program commented that although there was a NHB record present in the vicinity, they do not expect that it will be impacted by the proposed project.

8. This project does not require compensatory mitigation in accordance with Administrative Rule Env-Wt 302.03(c)(2).
9. DES has not received any comments in opposition to the project.
10. In accordance with RSA 428-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the riverine resource, as identified under RSA 482-A:1.

2011-03146 LEBANON, CITY OF
LEBANON Stoney Brook

Requested Action:

Proposal to dredge and fill 3760 square feet (256 linear feet) of the bed and banks of Stoney Brook for stabilization of the stream and adjacent Stoney Brook Road embankment. The proposed work is a result of damage created from Tropical Storm Irene.

APPROVE PERMIT:

Dredge and fill 3760 square feet (256 linear feet) of the bed and banks of Stoney Brook for stabilization of the stream and adjacent Stoney Brook Road embankment. The proposed work is a result of damage created from Tropical Storm Irene.

With Conditions:

1. All work shall be in accordance with plans by Pathways Consulting, LLC entitled: Bank Stabilization Plan for City of Lebanon-122 Stoney Brook Road (Sheets 1-2 of 2) dated October 28, 2011 (revision 11/18/2011), as received by DES on December 16, 2011.
2. The Town shall obtain temporary construction easements or written agreements from affected landowners with work in jurisdiction on their property or within 20 feet of their property. Copies shall be supplied to DES Wetlands Bureau File No. 2011-03146 prior to construction.
3. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans (if different than approved plans). Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
4. All equipment shall work from adjacent banks or uplands and shall not enter flowing water and work shall be done during low flow (unless as approved through condition #3).
5. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the areas are constructed in accordance with the plan.
6. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
7. The Permittee shall monitor the weather and will not commence work within flowing water, including the installation of cofferdams, when rain is in the forecast.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
10. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
11. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters.
12. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
13. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
15. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
16. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater

Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

17. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.

18. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.

19. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

20. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(i) Projects that alter the course of or disturb 200 or more linear feet of an intermittent or perennial nontidal stream or river channel or its banks.

2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

5. The work is needed to address safety concerns and damages resulting from Tropical Storm Irene.

6. The Conservation Commission recommended approval of the project.

7. This project does not require compensatory mitigation in accordance with Administrative Rule Env-Wt 302.03(c)(2).

8. DES has not received any comments in opposition to the project.

9. Due to the urgency of the project approval it has been conditioned on receipt of landowner permission or construction easements by the department prior to the start of construction.

10. In accordance with RSA 428-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the riverine resource, as identified under RSA 482-A:1.

MINOR IMPACT PROJECT

2011-02589 LEBANON, CITY OF
LEBANON Tributary To Mascoma River

Requested Action:

Proposal to dredge and fill 850 square feet (168 linear feet) of the bed and banks of an unnamed stream for stabilization of the stream and adjacent Slayton Hill Road embankment. The proposed work is a result of damage created from Tropical Storm Irene.

APPROVE PERMIT:

Dredge and fill 850 square feet (168 linear feet) of the bed and banks of an unnamed stream for stabilization of the stream and adjacent Slayton Hill Road embankment. The proposed work is a result of damage created from Tropical Storm Irene.

With Conditions:

1. All work shall be in accordance with plans by Pathways Consulting, LLC entitled: Bank Stabilization Plan for City of Lebanon-112 Slayton Hill Road (Sheets 1-2 of 2) dated October 28, 2011 (revision 11/18/2011), as received by DES on December 16, 2011.

2. The Town shall obtain temporary construction easements or written agreements from affected landowners with work in jurisdiction on their property or within 20 feet of their property. Copies shall be supplied to DES Wetlands Bureau File No. 2011-02589 prior to construction.

3. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans (if different than approved plans). Those plans shall detail the timing and method of stream flow diversion during construction, and

show temporary siltation/erosion/turbidity control measures to be implemented.

4. All equipment shall work from adjacent banks or uplands and shall not enter flowing water and work shall be done during low flow (unless as approved through condition #3).
5. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the areas are constructed in accordance with the plan.
6. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
7. The Permittee shall monitor the weather and will not commence work within flowing water, including the installation of cofferdams, when rain is in the forecast.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
10. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
11. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters.
12. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
13. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
15. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
16. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
17. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
18. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
19. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
20. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(1) Projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The work is needed to address damages resulting from Tropical Storm Irene.
6. The Conservation Commission recommended approval of the project.
7. DES has not received any comments in opposition to the project.
8. Due to the urgency of the project approval it has been conditioned on receipt of landowner permission or construction easements by the department prior to the start of construction.

2011-03142 FARM TRUST
SOUTH TAMWORTH Pollard

Requested Action:

Proposal to dredge and fill 515 sq. ft. of stream bank "Pollard Brook" for installation of a 34 in. x 53 in. x 32 ft. elliptical overflow culvert and 825 sq. ft. of stream bank stabilization for impacts resulting from Tropical Storm Irene.

APPROVE PERMIT:

Dredge and fill 515 sq. ft. of stream bank "Pollard Brook" for installation of a 34 in. x 53 in. x 32 ft. elliptical overflow culvert and 825 sq. ft. of stream bank stabilization for impacts resulting from Tropical Storm Irene.

With Conditions:

1. All work shall be in accordance with plans by Farmhouse Land Development revision date of December 7, 2011 and narratives by Stoney Ridge Environmental, LLC dated December 2011, as received by DES on December 16, 2011.
2. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans (if design is other than the approved plans and narratives). Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
3. All equipment shall work from adjacent banks or uplands and shall not enter flowing water and work shall be done during low flow (unless as approved through condition #2).
4. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the areas are constructed in accordance with the approved plans and that no water quality violations occur.
5. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
6. The Permittee shall monitor the weather and will not commence work within flowing water, including the installation of cofferdams, when rain is in the forecast.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
9. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
10. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters.
11. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
12. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
14. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
15. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
16. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
17. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
18. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
19. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(I) Projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The work is needed to address damages resulting from Tropical Storm Irene and to protect the adjacent properties from future flooding and damage.

MINIMUM IMPACT PROJECT

2011-02879 CORCORAN, CYNTHIA
WOLFEBORO Unnamed Wetland Unnamed Stream

Requested Action:

Retain 2,260 sq. ft. of dredge and fill within wetlands to replace a collapsed culvert and install a 40 ft. x 18 in. culvert with headwalls to access a single-family residence. Remove a dredge pile and restore a wetland to pre-existing condition.
DES issued Emergency Authorization for the work under #2011-2795 on November 11, 2011.

APPROVE AFTER THE FACT:

Retain 2,260 sq. ft. of dredge and fill within wetlands to replace a collapsed culvert and install a 40 ft. x 18 in. culvert with headwalls to access a single-family residence. Remove a dredge pile and restore a wetland to pre-existing condition.
DES issued Emergency Authorization for the work under #2011-2795 on November 11, 2011.

With Conditions:

1. All work shall be in accordance with plans by Fernstone Associates for the Natural Resources dated November 8, 2011, as received by the NH Department of Environmental Services (DES) on November 14, 2011.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. The regraded wetland area shall be to original contours.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
7. Work shall be done during low flow.
8. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to working near surface waters or wetlands.
9. Faulty equipment shall be repaired prior to working near jurisdictional areas.
10. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 square feet in swamps and wet meadows.
2. DES issued an Emergency Authorization on November 11, 2011 to repair/replace a failed driveway culvert to provide safe access to an existing home under DES File #2011-2795. A DES Standard Dredge and Fill application was submitted and received by DES on November 14, 2011 to retain impacts associated with the Emergency Authorization.
3. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The Emergency Authorization was needed to replace the collapsed culvert and allow safe access to an existing residential home.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The applicant replaced an existing failed culvert with a

new culvert within an existing wetland crossing.

5. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project. Natural Heritage Bureau has no record of sensitive species within the vicinity of this project.

6. The Wolfeboro Conservation Commission reviewed the application and have no objection to the proposal.

FORESTRY NOTIFICATION

2011-03137 HARRIS, HOWARD
BATH Unnamed Stream

COMPLETE NOTIFICATION:
Bath Tax Map 12, Lot# 13

2011-03187 NEWTON, ROBERT/SYLVA
WARREN Unnamed Stream

COMPLETE NOTIFICATION:
Warren Tax Map 220, Lot# 13000 & 14000

2011-03200 JANELLE, WILLIAM/TRACY
MADBURY Unnamed Stream

COMPLETE NOTIFICATION:
Madbury Tax Map 11, Lot# 14A & 14C

2011-03201 MINTON, DAVID
WARNER Unnamed Stream

COMPLETE NOTIFICATION:
Warner Tax Map 10, Lot# 98

2011-03202 H & H INVESTMENTS LLC, DONALD HARDWICK
ALEXANDRIA Unnamed Stream

COMPLETE NOTIFICATION:
Alexandria Tax Map 415, Lot# 5

2011-03203 POTTER 1998 TRUST, HARRIET
NORTHUMBERLAND Unnamed Stream

COMPLETE NOTIFICATION:

Northumberland Tax Map 227, Lot# 2

EXPEDITED MINIMUM

2011-03025

VERNCO RAYMOND TWO LLC

RAYMOND

Requested Action:

Temporarily impact 375 of palustrine wet meadow for the installation of a sewer line force main from an existing building to a new leach field area.

Conservation Commission/Staff Comments:

See findings.

APPROVE PERMIT:

Temporarily impact 375 of palustrine wet meadow for the installation of a sewer line force main from an existing building to a new leach field area.

With Conditions:

1. All work shall be in accordance with the "Temporary Wetland Impact Plan" by Appledore Engineering dated November 15, 2011, as received by the NH Department of Environmental Services (DES) on December 1, 2011.
2. DES Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
5. Work shall be done during seasonal low flow conditions.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.
8. No fill shall be done for lot development.
9. Topsoil in wetlands shall be stripped and segregated from subsoil during construction. Wetland topsoils shall be stockpiled separately from subsoils and shall be restored following backfill.
10. Dewatering of work areas shall be discharged to sediment basins located in uplands and lined with hay bales or other acceptable sediment trapping liners. Dewatering water shall be discharged away from water bodies, on stable surfaces, in a non erosive manner. Additionally, all turbid trench de-watering discharged within one-hundred (100) feet of any waterbody shall be discharged through a filter bag.
11. Wetlands shall be restored to their pre-construction conditions within the impact area, including restoration of original grades, within 5 days of backfill.
12. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. A post-construction report documenting status of wetlands restoration shall be submitted to the Wetlands Bureau within six weeks of the completion of construction.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 square feet of wet

meadow.

2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. A memo from the NH Natural Heritage Bureau (NHB) dated 11/14/11 (the "Memo") identified two (2) vertebrate species within the vicinity of the proposed impacts: Blanding's Turtle (*Emydoidea blandingii*) as State endangered and the Northern Black Racer (*Coluber constrictor*) as State threatened.
6. In response to the NHB Memo, NH Fish and Game Nongame and Endangered Species Program (NHFG) stated, in summary, "we [NHFG] do not expect direct impacts to the Blanding's turtle.." and to contact NHFG if either species is seen on or near the site.
7. The Raymond Conservation Commission signed the Minimum Impact Expedited Application.

AGRICULTURE MINIMUM

2011-02975 SCRUTON, JAMES
FARMINGTON Unnamed Wetland

Requested Action:

Dredge 16,840 sq. ft. of man-made wetlands to reconstruct and repair an existing milk house waste structure including the basin entry and channel, three-tiered wetland cells, and exiting filtering strip.

APPROVE PERMIT:

Dredge 16,840 sq. ft. of man-made wetlands to reconstruct and repair an existing milk house waste structure including the basin entry and channel, three-tiered wetland cells, and exiting filtering strip.

With Conditions:

1. All work shall be done in accordance with plans by U.S. Department of Agriculture, Natural Resource Conservation Service dated July 2011, and received by the NH Department of Environmental Services (DES) on November 22, 2011.
2. All work shall adhere to the standards of the "Best Management Wetlands Practices for Agriculture," NH Dept. of Agriculture, September 1998.
3. Any change in use to a non-agricultural purpose will require further permitting by the DES Wetlands Bureau.
4. This permit shall be recorded with the county Registry of Deeds office by the permittee.
5. All work shall be done in low water conditions.
6. Appropriate erosion and siltation controls shall be installed prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Machinery shall be staged and refueled in upland areas.
8. Dredged spoils shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of twenty (20) feet of undisturbed vegetated buffer.
10. Within three calendar days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(u), maintenance or improvement of existing crop or pasture land for continued agricultural use.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The applicant has demonstrated that repair and maintenance of the constructed wetland structure is required to maintain the benefits of sediment abatement and the improvement of water quality provided by this existing milk house waste structure.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The applicant has demonstrated that the structure requires periodic maintenance and will be repaired and reconstructed to its original design.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project. The NH Natural Heritage Bureau has no record of sensitive species within the project vicinity.

PERMIT BY NOTIFICATION

2011-03175 DUTILE REVOC TRUST, RICHARD
MANCHESTER Unnamed Wetland

Requested Action:

Proposal to conduct maintenance dredging of existing wetland drainage swales.

PBN IS COMPLETE:

PBN complete to conduct maintenance dredging of existing wetland drainage swales.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(k) Maintenance dredging, when necessary to provide continued usefulness of nontidal drainage ditches, man-made ponds, and spillways and Env-Wt 506.01(a)(3) Maintenance dredging that meets the criteria in Env-Wt 303.04(k).

2011-03195 FREEDOM VILLAGE CONDOMINUM ASSOC, C/O FRED PFLUEG
FREEDOM Unnamed Wetland Ossipee Lake

Conservation Commission/Staff Comments:

Con Com signed PBN form

PBN DISQUALIFIED:

The new proposed footprint for a pre-cast concrete boat ramp exceeds the original concrete block footprint.

CSPA PERMIT

2011-03052 DOVER, CITY OF
DOVER Cocheco River

Requested Action:

Project includes widening the roadway, upgrading storm drains and installing culverts.

APPROVE PERMIT:

Project includes widening the roadway, upgrading storm drains and installing culverts.

With Conditions:

1. All work shall be in accordance with plans by CMA Engineers dated November 1, 2011 and received by the NH Department of Environmental Services (DES) on December 5, 2011.
2. This permit is contingent on approval by the DES Alteration of Terrain Bureau and Wetlands Bureau.
3. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
4. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2011-03125 VALENTINE/BENNETT, ELIZABETH/PHILIP
SANDWICH Squam Lake

Requested Action:

Impact 24,665 sq ft in order to repair and replace an existing residence, construct two new 20 ft x 20 ft cottages, expand an existing driveway, and install a proposed septic system.

APPROVE PERMIT:

Impact 24,665 sq ft in order to repair and replace an existing residence, construct two new 20 ft x 20 ft cottages, expand an existing driveway, and install a proposed septic system.

With Conditions:

1. All work shall be in accordance with plans by Ames Associates dated November 3, 2011 and received by the NH Department of Environmental Services (DES) on December 14, 2011.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 2.8% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. At least 47,505 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2011-03133 PAT'S PEAK SKI AREA INC
HENNIKER Craney Pond

Requested Action:

Impact 2,690 sq ft to construct ski trails and a chairlift.

APPROVE PERMIT:

Impact 2,690 sq ft to construct ski trails and a chairlift.

With Conditions:

1. All work shall be in accordance with plans by Moser Engineering dated September 1, 2011 and received by the NH Department of Environmental Services (DES) on December 15, 2011.
2. This permit is contingent on approval by the DES Alteration of Terrain Bureau and Wetlands Bureau.
3. No more than 0.1% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. At least 35,915 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2011-03135 GARDNER, EVE
TUFTONBORO Lake Winnepesaukee

Requested Action:

Impact 4,834 sq ft in order to construct a foundation under existing cottage, install septic system, modify and stabilize parking area and walkway.

APPROVE PERMIT:

Impact 4,834 sq ft in order to construct a foundation under existing cottage, install septic system, modify and stabilize parking area and walkway.

With Conditions:

1. All work shall be in accordance with plans by Fernstone Associates dated November 4, 2011 and received by the NH Department of Environmental Services (DES) on December 15, 2011.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 10.5% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. At least 5,206 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the

site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.

6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.

7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

8. Any fill used shall be clean sand, gravel, rock, or other suitable material.

9. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.